

.....  
(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To require the reunification of families separated upon entry into the United States as a result of the “zero-tolerance” immigration policy requiring criminal prosecution of all adults apprehended crossing the border illegally, and for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Ms. BASS introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To require the reunification of families separated upon entry into the United States as a result of the “zero-tolerance” immigration policy requiring criminal prosecution of all adults apprehended crossing the border illegally, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Family Unity Rights  
5       and Protection Act”.

1 **SEC. 2. FAMILY REUNIFICATION.**

2 (a) IN GENERAL.—The Secretary of Health and  
3 Human Services, the Secretary of Homeland Security, the  
4 Secretary of State, and the Secretary of Defense together  
5 shall establish and implement coordinated policies, proce-  
6 dures, and strategies to ensure that each covered child is  
7 reunited at the earliest possible date with each parent or  
8 legal guardian from whom the child was separated.

9 (b) NOTIFICATION.—

10 (1) BENEFICIARIES IN THE UNITED STATES.—

11 In carrying out subsection (a), the Secretary of  
12 Health and Human Services, in conjunction with the  
13 Secretary of Homeland Security and the Attorney  
14 General, shall be responsible for notifying parents  
15 and guardians who are in the United States of the  
16 procedures to be used to reunite with each covered  
17 child who was removed from their care and custody  
18 and who is in the United States, the location or loca-  
19 tions of each such covered child, and a means to  
20 contact each such covered child.

21 (2) BENEFICIARIES ABROAD.—In carrying out  
22 subsection (a), the Secretary of Homeland Security,  
23 in conjunction with the Secretary of State, the Sec-  
24 retary of Health and Human Services, and the At-  
25 torney General, shall be responsible for carrying out  
26 the duty described in paragraph (1) in a case in

1       which either a covered child or a parent or guardian  
2       of a covered child has been removed from the United  
3       States under the immigration laws (as defined in  
4       section 101(a)(17) of the Immigration and Nation-  
5       ality Act (8 U.S.C. 1101(a)(17))).

6       (c) REGISTRY.—

7           (1) IN GENERAL.—The duties described in sub-  
8       sections (a) and (b) shall include the creation of an  
9       electronic registry for covered children and their par-  
10      ents and guardians. These individuals, whether de-  
11      tained, incarcerated, or not, shall be afforded an op-  
12      portunity to register, or have registered, personal in-  
13      formation about themselves, such as their name,  
14      date and place of birth, nationality, current location,  
15      and contact information. The registry shall be used  
16      by the Secretary of Health and Human Services, the  
17      Secretary of Homeland Security, the Secretary of  
18      State, and the Secretary of Defense as one tool  
19      among others in carrying out subsections (a) and  
20      (b).

21          (2) LIMITATIONS ON USE.—Information in the  
22      registry, as well as other information obtained by  
23      the Secretary of Health and Human Services, the  
24      Secretary of Homeland Security, the Secretary of  
25      State, or the Secretary of Defense in carrying out

1 subsections (a) and (b), shall be used solely to en-  
2 sure that each covered child is reunited at the ear-  
3 liest possible date with each parent or legal guardian  
4 from whom the child was separated. Such secretaries  
5 shall establish conditions for the use of the informa-  
6 tion—

7 (A) to ensure that the information is not  
8 used in, or in pursuit of, any criminal prosecu-  
9 tion or other proceeding under the immigration  
10 laws (as defined in section 101(a)(17) of the  
11 Immigration and Nationality Act (8 U.S.C.  
12 1101(a)(17)));

13 (B) to limit the dissemination of such in-  
14 formation;

15 (C) to ensure the security, confidentiality,  
16 and destruction of such information; and

17 (D) to protect any privacy rights of indi-  
18 viduals who are subjects of such information.

19 (d) STATE CHILD WELFARE.—The duties described  
20 in subsections (a) and (b) shall include the establishment  
21 and implementation of policies and procedures to inform  
22 the appropriate State child welfare agencies whether a  
23 parent or guardian of a covered child received the requisite  
24 notices and whether reasonable efforts were made to re-  
25 unite the parent or guardian with each covered child who

1 was removed from their care and custody prior to the  
2 State’s filing of a petition to terminate parental rights.

3 (e) REPORT.—Not later than 14 days after the date  
4 of the enactment of this Act, the Secretary of Health and  
5 Human Services, the Secretary of Homeland Security, the  
6 Secretary of State, and the Secretary of Defense collec-  
7 tively shall submit a report to the Congress describing the  
8 policies, procedures, and strategies established and imple-  
9 mented under subsection (a).

10 (f) DEFINITION.—For purposes of this section, the  
11 term “covered child” means an unaccompanied alien child  
12 (as defined in section 462(g)(2) of the Homeland Security  
13 Act of 2002 (6 U.S.C. 279(g)(2))) who was removed from  
14 the care and custody of a parent or legal guardian by a  
15 Federal official or employee at or near a port of entry,  
16 or within 100 miles of a border of the United States, pur-  
17 suant to the Zero-Tolerance Policy for Criminal Illegal  
18 Entry announced by the Attorney General on April 6,  
19 2018.

20 **SEC. 3. CONDITIONS ON TERMINATION OF PARENTAL**  
21 **RIGHTS.**

22 Section 475(5)(E)(ii) of the Social Security Act (42  
23 U.S.C. 675(5)(E)(ii)) is amended by striking “; or” and  
24 inserting the following: “and a compelling reason in this  
25 subparagraph for the State to not file (or join in the filing

1 of such a petition) shall include the removal of the parent  
2 from the United States or the involvement of the parent  
3 in (including detention or incarceration pursuant to) a  
4 civil proceeding under the immigration laws (as defined  
5 in section 101(a)(17) of the Immigration and Nationality  
6 Act (8 U.S.C. 1101(a)(17))), or a criminal misdemeanor  
7 proceeding under section 275(a) of the Immigration and  
8 Nationality Act (8 U.S.C. 1325(a)), unless the parent is  
9 unfit or unwilling to be a parent of the child. Before a  
10 State may file to terminate the parental rights under such  
11 this subparagraph, the State (or the county or other polit-  
12 ical subdivision of the State, as the case may be) shall  
13 make reasonable efforts—”

14 “(I) to identify, locate, and con-  
15 tact (including, if appropriate,  
16 through the diplomatic or consular of-  
17 fices of a country to which the parent  
18 or legal guardian was removed or  
19 where a parent, legal guardian, or rel-  
20 ative resides) any parent or legal  
21 guardian of the child, and where pos-  
22 sible, any potential adult relative of  
23 the child (as described in section  
24 471(a)(29));

1 “(II) to notify such a parent or  
2 legal guardian of the intent of the  
3 State (or the county or other political  
4 subdivision of the State, as applicable)  
5 to file (or join in the filing of) such a  
6 petition;

7 “(III) to reunify the child with  
8 any such parent or legal guardian;  
9 and

10 “(IV) provide and document ap-  
11 propriate services to the parent or  
12 legal guardian; or”.

13 **SEC. 4. FAMILY ADJUDICATION.**

14 Section 235(a) of the Immigration and Nationality  
15 Act (8 U.S.C. 1225(a)) is amended by adding at the end  
16 the following:

17 “(6) FAMILY UNITY.—In the case of an alien  
18 under 18 years of age who arrives in the United  
19 States (whether or not at a designated port of ar-  
20 rival and including an alien who is brought to the  
21 United States after having been interdicted in inter-  
22 national or United States waters) accompanied by  
23 one or more family members (such as a parent, legal  
24 guardian, spouse, son, daughter, brother, sister,  
25 aunt, uncle, cousin, or other family member who has

1 lived with the alien), all inspections of the alien by  
2 immigration officers, and all immigration or asylum  
3 interviews or proceedings involving the alien (such as  
4 proceedings under this section or section 208,  
5 209(b), or 240), shall be consolidated, to the max-  
6 imum extent authorized by law, with those of each  
7 accompanying family member, in order to maintain  
8 family unity and ensure that the rights of the alien  
9 are protected, unless—

10 “(A) a parent of the alien (unless the  
11 rights of the parent have been terminated), or  
12 legal guardian of the alien, requests otherwise;

13 “(B) such consolidation will prejudice the  
14 rights of the alien; or

15 “(C) such consolidation will prejudice the  
16 rights of any of the accompanying family mem-  
17 bers, in which case such family member may re-  
18 quest that such consolidation, as applied to  
19 them, be discontinued.”.